

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 30, 2004

DIVISION ONE

B164096 Morrow (Not for Publication)
v.
Meyer

The order of dismissal is reversed as to defendants Donald R. Meyer and the Department of Financial Institutions. The trial court is directed to vacate its order sustaining defendants' demurrer without leave to amend as to these defendants and to enter a new and different order overruling the demurrer. As to defendant Satat of California, the order of dismissal is affirmed. Plaintiff is to recover his costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B172280 Maria C. (Not for Publication)
v.
Superior Court, Los Angeles County
(L.A. County Department of Children and Family Services, r.p.i.)

The petition is denied.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

March 30, 2004 (Continued)

DIVISION ONE (Continued)

B165154 Arkley (Not for Publication)
v.
Michael Berman Limited Interiors and Furniture, et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B159982 Donabedian
v.
Mercury Insurance Company

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B162722 People (Not for Publication)
v.
Samuel

The order under review is affirmed

Nott, J.

We concur: Boren, P.J.
Doi Todd, J.

March 30, 2004 (Continued)

DIVISION THREE

B165801 People (Not for Publication)
v.
Blankenship

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B163286 People (Not for Publication)
v.
Villanueva

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B163735 Sampson (Certified for Partial Publication)
v.
Parking Service 2000 Com, Inc.

The award of attorney fees is affirmed. The matter is remanded so that the trial court may modify the judgment pursuant to Code of Civil Procedure section 473 to delete Mo Amon as a judgment debtor. Sampson's request for sanction is denied. Employer's request for sanctions is denied. Employer is entitled to costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B167727 In re De Leon on Habeas Corpus (Not for Publication)

The order to show cause is discharged. The petition for writ of habeas corpus is granted. The matter is remanded to the superior court for further proceedings.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B171925 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Robin B.

The appeal is dismissed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B142840 Salazar (Certified for Publication)
B144243 v.
 Diversified Paratransit, Inc., et al.

The judgment and postjudgment orders re attorney fees and costs are reversed and the matter is remanded to the trial court for further proceedings not inconsistent with this opinion. Salazar shall recover costs on appeal.

Klein, P.J.

I concur: Aldrich, J.
I dissent: Kitching, J. (Opinion)

DIVISION THREE (Continued)

B170305 Saeta, etc. (Certified for Publication)

v.
Superior Court, Los Angeles County
(Dent, r.p.i.)

The petition for writ of mandate is denied. Each party to bear its own costs.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B161056 California Insurance Guarantee Assoc. (Certified for Publication)

v.
Workers Compensation Appeals Board
Karaiskos, et al., Respondent

The decision of the Workers' Compensation Appeals Board is reversed.
The matter is remanded to the Workers' Compensation Appeals Board for
further proceedings in accordance with this opinion.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B166344 People (Not for Publication)

v.
Standish

The order is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B157981 People v. Loseman (Not for Publication)
B166293 In re David Loseman on Habeas Corpus

The sentence is vacated and the matter is remanded for resentencing consistent with the opinions expressed herein. In all other respects, the judgment is affirmed. The petition for writ of habeas corpus is denied.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FIVE

B165445 People (Certified for Partial Publication)
v.
Alan Shakhvaladyan

Defendant's conviction as to count 2 is reversed. Count 2 is ordered dismissed. The matter is remanded for resentencing. Upon issuance of the remittitur, to superior court clerk is directed to correct the abstract of judgment to reflect defendant's presentence credits of 404 days, including 270 actual days and 134 days of conduct credit as well as the \$1,000 fine imposed pursuant to Penal Code section 1202.45. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B162930 Vincent Pavelock
v.
James Kizirian

Filed order denying petition for rehearing. Mosk, J. would grant rehearing.

DIVISION FIVE (Continued)

B158824 Superior Gunite (Certified for Partial Publication)
 v.
 Ralph Mitzel

The award of compensatory damages is affirmed in its entirety. Except as to the attorney fees award, the cost award is affirmed. The award of prejudgment interest on the \$7,015 contract breach award recovered by Superior pursuant to the assignment from Pinnacle is affirmed. The award of prejudgment interest on the \$406,163 negligence award is reversed. The award of attorney fees for the \$406,163 negligence award is reversed. Upon issuance of the remittitur, the trial court is to determine whether to award prejudgment interest on Superior's \$406,163 negligence award in accordance with applicable law, and if so, to compute that amount the date of entry of judgment; recompute the amount of attorney fees premised upon the \$7,015 contract breach award; Superior is to recover attorney fees incurred on appeal in the defense of the \$7,015 contract breach award recovered by it pursuant to the assignment to it from Pinnacle. Any attorney fees award for those incurred on appeal should be pursued pursuant to 870.2 (c) of the California Rules of Court. Each party shall bear its own costs on appeal.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

B164341 Law Offices of Esperanza Bada (Not for Publication)
 v.
 West Covina Prime Health Care, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

March 30, 2004 (Continued)

DIVISION FIVE (Continued)

B166936 People (Not for Publication)
v.
Ramiro Padilla

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B165215 Michael Lewschin (Not for Publication)
v.
Rebecca Thomas, as Trustee etc.

The judgment is affirmed. Rebecca Thomas is entitled to her costs on appeal. No costs are awarded to the Bank of the West, the successor trustee.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B160313 People (Not for Publication)
v.
Terrence Edwards

The judgment is modified to reflect defendant is to receive 150 days of presentence conduct credits in addition to the 303 days of credit for time actually served. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

March 30, 2004 (Continued)

DIVISION SIX

B170622 People (Not for Publication)
v.
Thomas

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B158838 Southern California Gas Company (Not for Publication)
v.
Pacific Offshore Pipeline Company

The judgment is affirmed. Costs on appeal are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B170808 People (Not for Publication)
v.
Graham

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B165157 People
v.
Millan

Filed order denying petition for rehearing.

DIVISION SEVEN

B165948 Nakajima
v.
Versatile Media One, Inc., et al.

Filed order denying petition for rehearing.

B149425 People
v.
Robinson

Filed order modifying opinion. (No change in the judgment)

DIVISION EIGHT

B167065 People (Not for Publication)
v.
Edgar C.

For the foregoing reasons, condition of probation number 15 is modified to read, "Do not associate with anyone known to you to be disapproved of by parents or probation officer," and condition of probation number 16 is modified to read, "Do not associate with anyone known to you to be unlawfully armed." The requirement to maintain a B average is ordered stricken. As modified, the judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B165909 People (Not for Publication)
v.
Uribe

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

March 30, 2004 (Continued)

DIVISION EIGHT (Continued)

B162571 People v. Melchor (Not for Publication)

The judgment is affirmed.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

B164690 People v. Gomez (Not for Publication)

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B165784 People (Not for Publication)
v.
Toy

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

March 30, 2004 (Continued)

DIVISION EIGHT (Continued)

B165737 Los Angeles County, D.C.S. v. Michelle H. (Not for Publication)
B166743 Los Angeles County, D.C.S. v. Orlando C.

The orders terminating Mother and Father's parental rights with respect to Mathew and Emely are affirmed. The order denying Mother's 388 petition is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B164345 People (Not for Publication)
v.
Maeshack

The judgment is reversed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B163396 People (Not for Publication)
v.
Dewyone Curtis Potts and Demond Willie Potts

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

DIVISION EIGHT (Continued)

B166916 People (Not for Publication)
v.
King

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.
Flier, J.

B155736 Taiheiyo Cement Corporation et al., (Certified for Publication)
v.
Superior Court, Los Angeles County
(Jae Won Jeong, r.p.i.)

The petition for writ of mandate is granted. The trial court is ordered to vacate its order denying the motion for judgment on the pleadings and enter a new order granting the motion and dismissing the action. The order to show cause, having served its purpose, is discharged. Our previous order staying trial court proceedings is dissolved. In the interests of justice, each side will bear its own costs.

Boland, J.

I concur: Cooper, P.J.
I concur: Rubin, J. (Opinion)

B169862 People (Not for Publication)
v.
Markeith L.,

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.
Flier, J.

DIVISION EIGHT (Continued)

B166169 People (Not for Publication)
v.
Curtis

The judgment in Case Number TA064260 is reversed. The order denying appellant's motion to withdraw his no contest plea is reversed and the trial court is directed to permit appellant to reinstate his plea of not guilty. The probation violation finding in Case Number TA100860 also is reversed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B165143 Southwest Electronics Industries, Inc., (Not for Publication)
v.
Para Light (USA) Corporation et al.,

The judgment of the trial court is affirmed. Respondent Southwest Electronics Industries, Inc., is awarded costs on appeal.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.